

OCT 20 2005

NO. 328

P. 2/6

PTO/SB/61 (8-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137 (a)**Docket Number (Optional)
CM-115B-US

First named inventor: Curtis H. Hubmann, et al.

Application No.: 10/758,884

Group Art Unit: 3752

Filed: 16 January 2004

Examiner: Davis D. Hwu

Title: MULTIPLE FUNCTION DISPENSER

Attention Office of Petitions
Commissioner of Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application will become abandoned for failure to pay the issue fee. The date of
abandonment would be the three (3) month period after the date the Notice of Allowance was mailed.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee is required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee☐ small entity - fee \$ _____ (37 CFR 1.17 (I))/ Applicant claims small entity status.
See 37 CFR 1.27.☒ other than small entity - fee \$ 500.00 (37 CFR 1.17 (I)).**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of the Issue Fee Transmittal (PTOL-85B) (Identify the type of reply):☐ has been filed previously on _____.☒ is enclosed herewith.B. The issue fee of \$1,700.00☐ has been paid previously on _____.☒ is enclosed herewith.

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OCT 20 2005

PTO/SB/61 (8-00)

Approved for use through 10/31/2002. OMB 0861-0031
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming a period of equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**5. As applicants have not received a Notice of Allowance, a request is hereby made for a refund of the Petition Fee.**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

20 October 2005

Date



Signature

Telephone

Number: (262) 831-4583Neil E. Hamilton, Reg. No. 19,869

Typed or printed name

JohnsonDiversey, Inc.
8310 16th Street - M/S 509
P.O. Box 902
Sturtevant, Wisconsin 53177
Customer No. 24804

Enclosures: ☒ Fee Payment☐ Reply submitted previously on☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Form PTOL-85B - Issue Fee Transmittal**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571 273-8300.

20 October 2005

Date



Judith A. White

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FTO/SB/61 (8-00)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

20 October 2005
Date

Judith A. White
Signature

Judith A. White
Type or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

I, Judith A. White, am the legal assistant to Neil E. Hamilton who is the attorney of record in the above-identified patent application. On May 24, 2005 I reviewed the above-identified application and noted that an Official Action had not yet been received in said application. I then checked the USPTO Official Gazette Notice dated 24 May 2005 and noted that for Group 3750 "the average filing date of applications receiving a first office action in the last three months was 01/02/04". I then re-set a file status check for six months from May 24, 2005, namely to review the application again on November 24, 2005 if no correspondence was received from the USPTO in the mean time.

On October 19, 2005 I was working ahead and advance reviewing the docket entries for Neil E. Hamilton. Docket No. CM-115B-US was listed for an Application Status Check on November 24, 2005. I accessed private PAIR, and noted that according to USPTO records, a Notice of Allowance was listed as being mailed on June 14, 2005. I immediately reviewed the file contents and docket records, and noted that there was no record of the Notice of Allowance having been received. I then placed a call to Examiner Davis H. Hwu (at 3:17 pm CDT) to request verification that the Notice of Allowance had in fact been mailed.

On October 20, 2005 at 7:45 am (CDT) Examiner Hwu returned my call and verified that according to USPTO records, the Notice of Allowance was listed as having been mailed and provided a copy of the Notice of Allowance and Notice of Allowability to my attention via facsimile. Upon receipt of these documents, this Petition, along with the Issue Fee Transmittal were prepared and are submitted herewith.

Therefore, applicant of the subject patent application has quickly sought revival upon discovery of non-receipt/non-payment of the Notice of Allowance.

(Please attach additional sheets if additional space is necessary)

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